

Senate Amendment 3503

PAG LIN

1 1 Amend the amendment, S=3488, to Senate File 455 as
1 2 follows:
1 3 #1. Page 1, by inserting after line 11 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 692A.7A DUTY TO INFORM
1 6 LAW ENFORCEMENT == PENALTY.
1 7 A person commits a class "D" felony if the person
1 8 knows that another person is required to register
1 9 under this chapter and that the other person is not in
1 10 compliance with this chapter or is eluding a law
1 11 enforcement agency that is seeking to find the other
1 12 person, and the person does any of the following acts:
1 13 1. Withholds information from or fails to notify a
1 14 law enforcement agency about the whereabouts of the
1 15 other person.
1 16 2. Provides materially false information to a
1 17 peace officer about the other person.
1 18 3. Harbors the other person.
1 19 4. Conceals the other person.>
1 20 #2. Page 2, by inserting after line 3 the
1 21 following:
1 22 <Sec. _____. Section 902.9, unnumbered paragraph 1,
1 23 Code 2007, is amended to read as follows:
1 24 The maximum sentence for any person convicted of a
1 25 felony shall be that prescribed by statute or, if not
1 26 prescribed by statute, if other than a class "A" or
1 27 class "B1" felony shall be determined as follows:
1 28 Sec. _____. NEW SECTION. 902.9A CLASS "B1" FELONS.
1 29 A person convicted of a class "B1" felony shall be
1 30 confined for a term of years as ordered by the court
1 31 at the time of sentencing. The minimum term of
1 32 confinement shall be twenty-five years and the maximum
1 33 term of confinement may be for the rest of the
1 34 defendant's life.
1 35 Sec. _____. NEW SECTION. 902.15 SEXUAL ABUSE,
1 36 LASCIVIOUS ACTS, OR SEXUAL EXPLOITATION ==
1 37 ENHANCEMENT.
1 38 Notwithstanding the penalty for a violation of
1 39 section 709.3, 709.8, or 728.12, if a person eighteen
1 40 years of age or older commits an offense against a
1 41 child twelve years of age or younger in violation of
1 42 section 709.3, 709.8, or 728.12, subsection 1, the
1 43 person commits a class "B1" felony and shall be denied
1 44 parole or work release until the term of the sentence
1 45 ordered pursuant to section 902.9A has been served.
1 46 Sec. _____. Section 903A.2, subsection 1, unnumbered
1 47 paragraph 1, Code 2007, is amended to read as follows:
1 48 Each inmate committed to the custody of the
1 49 director of the department of corrections is eligible
1 50 to earn a reduction of sentence, except as provided in
2 1 paragraph "c". in the manner provided in this section.
2 2 For purposes of calculating the amount of time by
2 3 which an inmate's sentence may be reduced, inmates
2 4 shall be grouped into the following ~~two~~ three
2 5 sentencing categories:
2 6 Sec. _____. Section 903A.2, subsection 1, Code 2007,
2 7 is amended by adding the following new paragraph:
2 8 NEW PARAGRAPH. c. Category "C" sentences are
2 9 those sentences which are classified as class "B1"
2 10 felonies under section 902.15. An inmate of an
2 11 institution under the control of the department of
2 12 corrections who is serving a category "C" sentence is
2 13 not eligible for a reduction of sentence.
2 14 Sec. _____. Section 903A.7, Code 2007, is amended to
2 15 read as follows:
2 16 903A.7 SEPARATE SENTENCES.
2 17 Consecutive multiple sentences that are within the
2 18 same category under section 903A.2 shall be construed
2 19 as one continuous sentence for purposes of calculating
2 20 reductions of sentence for earned time. If a person
2 21 is sentenced to serve sentences of ~~both~~ multiple
2 22 categories, category "C" sentences shall be served
2 23 before category "B" or "A" sentences are served.
2 24 category "B" sentences shall be served before category

2 25 "A" sentences are served, and earned time accrued
2 26 against category "C" sentences shall not be used to
2 27 reduce category "B" or "A" sentences, and earned time
2 28 accrued against the category "B" sentences shall not
2 29 be used to reduce the category "A" sentences. If an
2 30 inmate serving a category "A" sentence is sentenced to
2 31 serve either a category "C" or "B" sentence, the
2 32 category "A" sentence shall be interrupted, and no
2 33 further earned time shall accrue against that sentence
2 34 until the category "C" or "B" sentence is completed.
2 35 Sec. _____. Section 903B.1, Code 2007, is amended to
2 36 read as follows:
2 37 903B.1 SPECIAL SENTENCE == CLASS "B1", CLASS "B",
2 38 OR CLASS "C" FELONIES.
2 39 A person convicted of a class "C" felony or greater
2 40 offense under chapter 709, ~~or~~ a class "C" felony under
2 41 section 728.12, or a class "B1" felony under section
2 42 902.15, shall also be sentenced, in addition to any
2 43 other punishment provided by law, to a special
2 44 sentence committing the person into the custody of the
2 45 director of the Iowa department of corrections for the
2 46 rest of the person's life, with eligibility for parole
2 47 as provided in chapter 906. The special sentence
2 48 imposed under this section shall commence upon
2 49 completion of the sentence imposed under any
2 50 applicable criminal sentencing provisions for the
3 1 underlying criminal offense and the person shall begin
3 2 the sentence under supervision as if on parole. The
3 3 person shall be placed on the corrections continuum in
3 4 chapter 901B, and the terms and conditions of the
3 5 special sentence, including violations, shall be
3 6 subject to the same set of procedures set out in
3 7 chapters 901B, 905, 906, and ~~chapter~~ 908, and rules
3 8 adopted under those chapters for persons on parole.
3 9 The revocation of release shall not be for a period
3 10 greater than two years upon any first revocation, and
3 11 five years upon any second or subsequent revocation.
3 12 A special sentence shall be considered a category "A"
3 13 sentence for purposes of calculating earned time under
3 14 section 903A.2.
3 15 Sec. _____. Section 907.3, subsection 1, paragraph
3 16 a, Code 2007, is amended to read as follows:
3 17 a. The offense is a violation of section 709.8 or
3 18 728.12, subsection 1, and the child is twelve years of
3 19 age or under.>
3 20 #3. Page 6, line 28, by striking the word <acts>
3 21 and inserting the following: <offenses>.
3 22 #4. By renumbering as necessary.
3 23
3 24
3 25
3 26 LARRY McKIBBEN
3 27 JERRY BEHN
3 28 E. THURMAN GASKILL
3 29 JAMES A. SEYMOUR
3 30 LARRY NOBLE
3 31 PAUL McKINLEY
3 32 BRAD ZAUN
3 33 DAVE MULDER
3 34 DAVID JOHNSON
3 35 PAT WARD
3 36 DAVID L. HARTSUCH
3 37 MARK ZIEMAN
3 38 NANCY J. BOETTGER
3 39 JOHN PUTNEY
3 40 MARY A. LUNDBY
3 41 RON WIECK
3 42 STEVE KETTERING
3 43 JAMES F. HAHN
3 44 SF 455.306 82
3 45 jm/cf/10214